IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4097 of 1991

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJESH JIVABHAI RATHOD & 11 - Petitioner(s)

Versus

STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR HC BUCH for MR ND NANAVATI for Petitioner No(s).: 1,2,3,4, 5,6,7,8,9,10,11,12.

MR KL PANDYA AGP for Respondent No(s).: 1, 2, 3,4.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 25/07/2005

ORAL JUDGMENT

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1.0 The petitioners have prayed for the following reliefs;

> "(A) Your Lordships will be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions and further be pleased to restrain the respondents, their servants and agents from terminating the services of the petitioners for four months (during the monsoon season).
>
> (B) Your Lordships may be pleased to issue an appropriate writ, order or direction and further be pleased to declare the policy and practice including the Government Resolutions, Circulars and Rules, if any, for giving appointments for four months as ultra vires of Articles 14 and 16 of the Constitution of India.
>
> (C) Your Lordships further will be pleased to quash and set aside the proposed order of termination of the respondents terminating the services of the petitioners pending admission, hearing and final disposal of this petition.
>
> (D) Your Lordships may be pleased to issue an injunction restraining the respondents, their servants and agents from terminating the services of the petitioners.
>
> (E) ....."

2.0 Mr. H C Buch learned advocate for the petitioners has stated that the petitioners are ready to make a representation to the respondent authorities for considering their prayers referred to herein above. Mr.K.L. Pandya learned A.G.P has stated that if such a representation is made by the petitioners, the respondent authorities shall pass appropriate orders in accordance with law.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. In view of the statement made by Mr. Buch, the petitioners are directed to make a representation to the respondent authorities for considering their case. If such a representation is made by the petitioners, the respondent authorities shall consider the same sympathetically, considering the fact that the petitioners had rendered more than 16 years of service with the respondents. The respondent authorities shall dispose of the said representation within a period of three months from the receipt of the said representation from the petitioners. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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